

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case Nos. 1:10-CR-27
vs.)	
)	
HERSHELL RAINES)	JUDGE MATTICE

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on May 10, 2010, in accordance with Rule 46(c) of the Federal Rules of Criminal Procedure and 18 U.S.C. §§ 3143 and 3148 on the Petition for Action on Conditions of Pretrial Release. Those present for the hearing included:

- 1) AUSA James Brooks for the USA.
- (2) The defendant HERSHELL RAINES.
- (3) Attorney Mike Caputo for defendant.
- (4) U.S. Probation Officer Anthony Green.
- (5) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with counsel. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Brooks called USPO Anthony Green as a witness and moved that the defendant be detained pending a hearing to determine whether his term of pretrial release supervision should be revoked. USPO Green testified that the defendant tested positive for use of marijuana on March 11, 2010 and on April 13, 2010. Based on the defendant's continued drug use, I conclude the defendant has failed to abide by his conditions of release and that he is therefore a danger to the community. Therefore, he must be detained without bond.

SO ORDERED.

ENTER.

Dated: May 11, 2010

/s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE